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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/672,664
Filing Date: September 26, 2003
Appellant(s): KARAOGUZ ET AL.

Joseph M. Butscher
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 2/17/2011 appealing from the Office action mailed 09/01/2010.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1-24 are rejected.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

6799201	LEE et al.	9-2004
2004/0073932	LAVELLE et al.	04-2004
2004/0203379	WITKOWSKI et al.	10-2004
2003/0097655	NOVAK	5-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims **1-7, 9-18, 20-24, 31-34, 36-40, 42-46, 48-51, 56-58 and 60-61** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lee** et al. (US Pat. No. 6,799,201); in view of **Lavelle** et al. (US Pub. No. 2004/0073932)

Regarding to claim 1: Fig. 3 of Lee discloses **a system providing support for the delivery of media to an authorized vehicle** [184] **(Lee, col. 11 lines 1-11), the system comprising:**

a storage [194] **for storing media** (a broadcaster relational database 194 containing information about all AM, FM and TV analog audio broadcasts that can be received in a vehicle 184 within the host nation of the gateway network 30**) (Lee, col. 11 lines 33-45) and having an associated first network address** (i.e. same as IP address of Gateway 30 wherein maintains a database management system to control several important system databases including [194]) **(Lee, col. 11, lines 3-6);**

set top box circuitry [30] **communicatively coupled to the storage (**The gateway 30 provides a broadcaster relational database 194 containing information about all AM, FM and TV analog audio broadcasts) (**Lee, col. 11 lines 31-45), the set top box circuitry arranged to exchange media via a communication network using a first communication interface** (i.e. Firewall through Internet [208]) **(Lee, col. 11, lines 6-11)**, **the set top box circuitry supporting wireless communication of media using a second communication interface** the set top box circuitry_ being remotely located from the authorized vehicle (i.e. Firewall through IP [180]) **(Lee, col. 11, lines 12-30);**

at least one vehicle system (as Fig. 2 of Lee**)** **within the authorized vehicle** [184] remotely located from and **communicatively coupled to the set top box circuitry** [30] **via the second communication interface** (Fig. 2 illustrates a wide band wireless Internet addressable gateway transceiver 130 to receive Internet protocol based audio broadcasts, new applications known as information or data channels, and configuration data from a gateway network 30 created to service the multimedia devices 20)(**Lee, Fig. 2, col. 8 line 64 to col. 9 line 5**), **the at least one vehicle system having an associated second network address (**i.e. Internet addressable of vehicle [184]) **(Lee, col. 6, lines 8-11), the at least one vehicle system comprising an entertainment system** (i.e. multimedia device [20] of Fig. 2) **(**multimedia devices 20 inside vehicle 184) (**Lee, col. 6, lines 31-33).**

a user interface [206] **to support the delivery of media** (Using a remote computer 206 with an Internet connection 208, the user preferably logs into the Internet gateway network 30, registers information about the multimedia device 20 itself and uses Web page through a remote computer [206] to request to update configuration data to gateway [30] where sends the new configuration data to multimedia device [20] inside vehicle [184])(**Lee, col. 12, lines 52-67 and col. 14, lines 31-41), the user interface having at least one view** (i.e. Web browser as shown in Fig. 5) **comprising a representation of a sequence of media available for delivery to the at least one vehicle system** (The user will then see a web page that will be dynamically created. It will contain all audio channels available in his area organized by format. All the formats and stations selected are transferred to the user's profile pages on the Internet gateway

30)(**Lee, col. 14, lines 50-57), the at least one view comprising a first personal media channel that facilitates a user-defined transfer** large media **via the at least one vehicle system** (Fig. 2 depicts a Preset buttons 166 on the display screen 160 are user configurable buttons that allow the user to select any one channel, group of channels or even channels from different categories that can be played or displayed with the press of a single button. A preset button 166 can also be assigned to any personal information channel application, user defined labels 170 for preset buttons 166 preferably appear on the screen 168 above the preset buttons 166 to indicate their purpose). (**Lee, col. 10, lines 16-36)(**example: transfer MP3 file to vehicle by WLAN from remote computer [206]) **(col. 13, lines 11-20).**

at least one server ([182], [188], [194], [204] of Fig. 3) **for storing media (Lee, col. 7, lines 59-64), and having an associated third network address (**i.e. IP address of computer [182], [188], [194] or [204]**) (Lee, col. 11, lines 3-6)**

server software that receives a request, via the communication network.(gateway [30] downloads new application service to multimedia device [20] to create Wage page as shown in Fig.5) **(Lee, col. 12, lines 26-32, col. 14, lines 50-64 and col. 15, lines 4-7) (**from the Web page user request tune broadcast channel by using software server [194] to tune receiver [100] of vehicle [184] or request from GPS transceiver [110] of vehicle [184] to the gateway [30] to update new location of vehicle [184] if it is out of range of service; in order to reset media station) **(col. 15, lines 8-26) (**Key word recognition software allows the user to make the same channel selections that could be made from any of the button controls while use is driving) **(col. 10, lines 59-**

67).identifying one or more of the associated first, second, and/or third network addresses (The in-vehicle wireless gateway transceiver 130 which associated with the **second network addresses** can also send information to the gateway network 30 which associated with the **first network addresses** such as requests for navigation data, advertisement responses, purchase requests, etc.) **(Lee, col. 8, line 64-col. 9 line 5) and authorization information, (**User must log on the gateway network [30] to register **authorization information** associated with information of vehicle [184] and provides billing information) **(col. 14, lines 31-41)**

responds by identifying at least one other of the one or more of the associated first, second, and/or third network addresses to support the delivery of media to the at least one vehicle system. (When the device 20 is instructed to tune to a particular local or satellite station in the vehicle 184 which associated with the **second network addresses**, its tuning program will retrieve the band and frequency information contained in its local database of stations 194, and then tune the software programmable receiver 100 inside multimedia device [20] of vehicle [184] that associated with **the second network address**, the tuning program will create a wireless Internet connection with the gateway 30 which associated with the **first network addresses,** using the designated URL in its local database 194 which is **associated third network address** as the source of the streaming broadcast, and will then run an appropriate application to play the broadcast). **(Lee, col. 15, lines 8-18)**

However, Lee fails to teach "**transfer a video game to one or both of the entertainment system and/or a handheld electronic game system via the at least one vehicle system";**

In an analogous art directed toward a similar problem namely improving the results from **transfer a video game to one or both of the entertainment system and/or a handheld electronic game system via the at least one vehicle system;** Fig. 1A of Lavelle illustrates an entertainment unit [100] is installed in a vehicle, includes an external audio/video signal processor [124], **a video game** player [126] facilities for performing signal processing and/or signal conversion [127], a first wireless transmitter [128], and a second wireless transmitter [130] for transmitting a A/V signals to external audio/video signal processor 124 of an entertainment unit [100] from an external device as **handheld video games** in the different entertainment unit which may be in another vehicle for reproduction of the signals output therefrom)(**Lavelle, ¶0035, ¶0042**) meets **(transfer a video game to the entertainment system via the at least one vehicle system)**. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify a media distribution system to deliver a media to a vehicle of Lee with a video game player in vehicle as taught by Lavelle to provide a multimedia entertainment unit for a vehicle which allows for a plurality of passengers to each watch and/or listen to a different media. (¶0003)

Regarding to claims 2: The method of claim 1; Lee also teaches **wherein the media comprises one or more of audio, a still image, video, real-time video, and/or data (Lee, col. 6, lines 15-30).**

Regarding to claim 3: The system of claim 1 above; Lee also teaches **wherein the media comprises navigational information;** (The gateway 30 also provides navigation services through a dedicated computer 202 to the vehicle 184. The vehicle 184 provides location information from its GPS receiver 110 (FIG. 2) to the gateway 30, and the gateway 30 in turn provides mapping services to the vehicle showing travel routes or locations of interest.)(Lee**, col. 12, lines 14-19).**

information related to commercial broadcasters (Advertising databases 196 provide information about advertisements (e.g., advertiser name, ad content, time of ad run, etc.) that are inserted into real-time radio broadcasts and into digital personalized broadcasts) (**Lee, col. 11, lines 46-49).**

Regarding to claim 4: The system of claim 1; Lee also teaches **wherein one or more of the associated first, second, and/or third network addresses is an Internet protocol (IP) address** (a remotely programmable, microcomputer controlled multimedia device 20 in a vehicle 184 with a wireless IP address for Internet access) (**Lee, col. 11, lines 8-11).**

Regarding to claims 5, 6: The system of claim 1; Lee also teaches **wherein the communication network comprises an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and/or a wireless infrastructure** (The Internet gateway network 30 preferably consists of standard Internet TCP/IP protocol communications equipment 180. The gateway 30 is designed to provide wireless Internet access to the multimedia device 20 in the vehicle 184)(**Lee, col. 11, lines 3-21),** (the transfer of personal MP3 files from the user's home computer 206 connected

to the vehicle multimedia device 20 through an IEEE 802.11 standard wireless LAN.) **(col. 13, lines 14-20).**

Regarding to claim 7: The method of claim 1 above; Lavelle also teaches **wherein the second communication interface comprises both an infrared link and a radio frequency link.** (The wireless signals can be any type of wireless signal including, but not limited to, radio frequency and infrared signals.)(**See Lavelle, ¶0033 and ¶0034)**

Regarding to claims 9, 10: The system of claims 1, Lavelle further teaches wherein the at least **one vehicle system** [100] **comprises an interface to at least one media peripheral wherein the at least one media peripheral comprises a CD player [120], a DVD player [118], a television [114]**) (**see Lavelle, Fig. 1A, ¶0032, ¶0035 and ¶0036)**

Regarding to claims 11: The system of claims 9 above; Lee further teaches **wherein the authorization information is supplied by the at least one media peripheral** (User profile databases 198 contain information about the user's system preferences, billing information and a purchasing interest profile (**See Lee, Fig. 3, col. 11, lines 64-66)** (Using a remote computer 206 with an Internet connection 208, the user preferably logs into the Internet gateway network 30 or create a user profile. **(col. 14, lines 30-41)**.

Regarding to claims 12: The method of claim 1; Lee also discloses **wherein the authorization information comprises a digital certificate comprising a device ID, information regarding billing.** (Using a remote computer 206 with an Internet

connection 208, the user preferably logs into the Internet gateway network 30 or create a user profile and registers information about the multimedia device 20 itself (e.g., identification number, model, etc.), provide billing information, provide information about the vehicle 184) **(col. 14, lines 30-41)**.

Regarding to claims 13: In the system of claims 1 above; Lee also discloses **wherein the at least one server supports one media storage (**gateway server [182], [210] support database [194] Data streaming server [188] support cache [190]). **(col. 11, lines 3-11, lines 23-38)**.

Regarding to claim 14: Merely repeats the same limitations of claim 1; claim 14 is anticipated by Lee and Lavelle. See claim 1 rejection.

Regarding to claim 15: The system of claim 14, claim 15 merely repeats the same limitations of claim 2; claim 15 is rejected on same ground as claim 2, anticipated by Lee and Lavelle.

Regarding to claim 16: The system of claim 14, claim 16 merely repeats the same limitations of claim 3; claim 16 is rejected on same ground as claim 3, anticipated by Lee and Lavelle.

Regarding to claims 17, 18: The system of claim 14, claims 17, 18 merely repeat the same limitations of claims 5 and 6; claims 17, 18 are rejected on same ground as claims 5 and 6, anticipated by Lee and Lavelle.

Regarding to claims 20, 21: The system of claim 14, claims 20, 21 merely repeat the same limitations of claims 9 and 10; claims 20, 21 are rejected on same ground as claims 9 and 10, anticipated by Lee and Lavelle.

Regarding to claim 22: The system of claim 20, claim 22 merely repeats the same limitations of claim 11; claim 22 is rejected on same ground as claim 11, anticipated by Lee and Lavelle.

Regarding to claim 23: The system of claim 14, claim 23 merely repeats the same limitations of claim 12; claim 23 is rejected on same ground as claim 12, anticipated by Lee and Lavelle.

Regarding to claim 24: The system of claim 14, claim 24 merely repeats the same limitations of claim 13; claim 24 is rejected on same ground as claim 13, anticipated by Lee and Lavelle.

Regarding to claim 31: Merely repeats the same limitations of claim 1, claim 31 is anticipated by Lee and Lavelle. See claim 1 rejection.

Regarding to claim 32: The system of claim 31, claim 32 merely repeats the same limitations of claim 2; claim 32 is rejected on same ground as claim 2, anticipated by Lee and Lavelle.

Regarding to claim 33. In the system of claim 31; Lee also teaches **wherein the media comprises information related to travel routine information.** (The vehicle 184 provides location information from its GPS receiver 110 (FIG. 2) to the gateway 30,

and the gateway 30 in turn provides mapping services to the vehicle showing travel routes or locations of interest.)(**Lee, col. 12 lines 14-19**)

Regarding to claim 34: The system of claim 31, claim 34 merely repeats the same limitations of claim 5, claim 34 is rejected on same ground as claim 5, anticipated by Lee and Lavelle.

Regarding to claims 36, 37: The system of claim 31, claim s 36, 37 merely repeat the same limitations of claims 9, 10, claims 36, 37 are anticipated by Lee and Lavelle. See claims 9, 10 rejections.

Regarding to claim 38. The system of claim 36 above; claim 38 merely repeats the same limitations of claim 11; claim 38 is anticipated by Lee and Lavelle. See claim 11 rejection.

Regarding to claim 39: The system of claim 31 above; claim 39 merely repeats the same limitations of claim 12; claim 39 is anticipated by Lee and Lavelle. See claim 12 rejection.

Regarding to claim 40. The system of claim 1 above; Fig. 2 of Lee illustrates a multimedia device [20] **wherein the at least one vehicle system** in vehicle [184] **comprises a navigation system** [110] **(Lee, col. 8 lines 60-61), the at least one view** [160] **comprising a second personal media channel that facilitates a user-defined navigation update to the navigation system.** (The gateway 30 also provides navigation services through a dedicated computer 202 to the vehicle 184. The vehicle 184 provides location information from its GPS receiver 110 (FIG. 2) to the gateway 30, and the gateway 30 in turn provides mapping services to the vehicle showing travel

routes or locations of interest. The gateway 30 also transmits other software applications to the vehicle 184 for use in the multimedia device 20. These applications are referred to as channels and comprise the personal information services of the system 10 (navigation, email, etc.) for creating a second personal media channel as same as a first personal media channel above discussed in claim 1; see (**Lee, col. 10, lines 16-36)**. These applications or channels can be downloaded to the vehicle 184 from a computer 204 at any time to instantly add to the features of the multimedia device 20 including update to the navigation system). (**Lee, col. 12 lines 14-32) Regarding to claim** 42. The system of claim 40, Lavelle also teaches **wherein the at least one vehicle system comprises a music system** (devices connected to Audio Bus [172]) **and a video system** (devices connected to Video Bus [170]) **(Lavelle, Fig. 1A, ¶0040)**. Addition, Lee teaches **the at least one view comprising a third personal media channel that facilitates a user-defined transfer of a song to the music system** (Fig. 1 of Lee illustrates a remote computer [40] as computer [206] user accesses to a wireless communication [70] as **a third personal media channel** for the transfer of personal MP3 files from the user's home computer 206 connected to [72] of the vehicle multimedia device 20 through an IEEE 802.11 standard wireless LAN) (**Lee, col. 13 lines 17-20) and a fourth personal media channel (**If there are multiple users on one account (e.g., family members) then each user will preferably have a unique profile in the user database 198 that may creates a **fourth personal media channel** by using preset button [166] on a display [158] of Fig. 2 **(Lee, col. 9 lines 43-51, col. 10 lines 17-36 and col. 12 lines 4-6)**, Lavelle also teaches that “an external device (i.e.,

one not included in the entertainment unit 100 of vehicle) **facilitates a user-defined transfer of a movie to** the external audio/video signal processor 124 of **the video system** [100] for reproduction of the signals output on display [112]" (Lavelle, **¶0042).**

Regarding to claim 43: The system of claim 1, **wherein the at least one view comprises at least one friends and family channel** (If there are multiple users on one account (e.g., family members) then each user will preferably have a unique profile in the user database 198). (**Lee, col. 8 lines 6-11 and col. 12 lines 4-6),** the unique profile in the user database 198 can access on Web page of the internet gateway network [30] when user logs onto internet [208] (**Lee, col. 12 lines 61-63)**

Regarding to claim 44: The system of claim 1, Fig. 3 of Lee illustrates **wherein the at least one view comprises at least one 3rd party broadcast media channel** [186c] **(**The gateway 30 serves as an Internet Service Provider to vehicles 184 through various forms of wireless transmission 186 includes a faster satellite networks [186c] which provides Digital audio broadcasts broadband) (**Lee, col. 12 lines 12-21).**

Regarding to claim 45: The system of claim 9, Fig. 3 of Lee illustrates server [188] and [194] **wherein the at least one media peripheral offloads media data to the vehicle system.** (Dedicated streaming data servers 188 will be used to broadcast personalized audio broadcasts to the vehicle 184 and the gateway 30 provides broadcaster relational database 194 containing information about all AM, FM and TV analog audio broadcasts that can unload in a vehicle 184 within the host nation of the gateway network 30) (**Lee, col. 11 lines 23-45).**

Regarding to claim 46: The system of claim 14, claim 46 merely repeats the same limitations of claim 40, claim 46 is rejected on same ground as claim 40, anticipated by Lee and Lavelle.

Regarding to claim 48. The system of claim 46, claim 48 merely repeats the same limitations of claim 42, claim 48 is rejected on same ground as claim 42, anticipated by Lee and Lavelle.

Regarding to claim 49. The system of claim 20, claim 49 merely repeats the same limitations of claim 45, claim 49 is rejected on same ground as claim 45, anticipated by Lee and Lavelle.

Regarding to claim 50: The system of claim 14, claim 50 merely repeats the same limitations of claim 43, claim 50 is rejected on same ground as claim 43, anticipated by Lee and Lavelle.

Regarding to claim 51. The system of claim 14, claim 51 merely repeats the same limitations of claim 44, claim 51 is rejected on same ground as claim 44, anticipated by Lee and Lavelle.

Regarding to claim 56. The system of claim 31, claim 56 merely repeats the same limitations of claim 43, claim 56 is rejected on same ground as claim 43, anticipated by Lee and Lavelle.

Regarding to claim 57. The system of claim 31, claim 57 merely repeats the same limitations of claim 44, claim 57 is rejected on same ground as claim 44, anticipated by Lee and Lavelle.

Regarding to claim 58. The system of claim 31, claim 58 merely repeats the same limitations of claim 40, claim 58 is rejected on same ground as claim 40, anticipated by Lee and Lavelle.

Regarding to claim 60. The system of claim 57, claim 60 merely repeats the same limitations of claim 42, claim 60 is rejected on same ground as claim 42, anticipated by Lee and Lavelle.

Regarding to claim 61. The system of claim 1, claim 61 merely repeats the same limitations of claim 43, claim 61 is rejected on same ground as claim 43, anticipated by Lee and Lavelle.

3. Claims **41, 47 and 59** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lee** et al. and **Lavelle** et al.; in view of **Witkowski** et al. (US Pub. No. 2004/0203379 A1);

Regarding to claim 41: The system of claim 40, Lee also teaches **wherein the navigation system collects vehicle route (Lee, col. 12 lines 14-25), and uploads the vehicle route,** (**Lee, col. 12 lines 14-25 and col. 14 lines 31-41**)

Lee fails to teaches **performance and engine maintenance information with respect to the authorized vehicle**

In an analogous art directed toward a similar problem namely improving the results from **performance and engine maintenance information with respect to the authorized vehicle,** Witkowski teaches a wireless communication for **"performance and engine maintenance information with respect to the authorized vehicle" (**Witkowski, **¶0052-¶0054)**. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the navigation system of Lee includes a wireless communication as taught by Witkowski to transmit the vehicle diagnostic information to a service station while other operations are being performed on a vehicle (e.g., oil change, etc.) reduce the amount of time necessary to diagnose problems with a vehicle and increase the efficiency of providing service for a vehicle. (Witkowski, **¶0013)**

Regarding to claim 47. The system of claim 46, claim 47 merely repeats the same limitations of claim 41, claim 47 is rejected for the same reason as discussed in claim 41.

Regarding to claim 59. The system of claim 57, claim 59 merely repeats the same limitations of claim 41, claim 59 is rejected for the same reason as discussed in claim 41.

4. **Claims 25-30, 52, 54-55** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lee** et al. and **Lavelle** et al.; in view of **Novak** (US Pub. No. 2003/0097655 A1; hereinafter Novak)

Regarding to claim 25: **A method for delivering media to an authorized vehicle (**[184] of Fig. 3**)(Lee, col. 11 lines 1-11),**the method comprising:

selecting media (audio broadcasts**) for delivery based upon input from a user** (A user operates an application by tuning to a "channel" in keeping with the known radio paradigm and its user friendly operations. The two types of channels preferably available are audio broadcasts (e.g., AM, FM, TV, digital, Internet audio broadcasts and recorded material) and personal information services (e.g., navigation, email, traffic alerts, etc.). **(Lee, col. 6 lines 17-23)**

identifying a vehicle system [184 of Fig. 3] **comprising an entertainment system** [20] **to receive the selected media based upon input from the user;** (The user preferably logs into the Internet gateway network 30 to register information about the multimedia device 20 of vehicle [184] itself (e.g., identification number, model, etc.), provide billing information, provide information about the vehicle 184 if the device is an OEM installation, and complete the purchase interest profile so that advertisements can be directed to his vehicle 184 that meet the user's buying needs). **(Lee, col. 14 lines 31-41)**

determining if the vehicle system is available to receive the selected media ;(the user indicates where the multimedia unit 20 is currently located. This information will be used to access the broadcaster database 194 and retrieve tuning and other related information about those local stations that may be received in this area. Next, user will then see a web page that will be dynamically created. It will contain all audio channels available in his area organized by format. FIG. 5 shows examples of the types of information that may be seen. By default, all formats and stations are selected.) **(Lee, col. 14 lines 42-57)**

receiving authorization information from the vehicle system (Using a remote computer 206 with an Internet connection 208, the user preferably logs into the Internet gateway network 30 and registers **authorization information** about the multimedia device 20 itself (e.g., identification number, model, etc.) **which is receiving from the vehicle system**, provide billing information, provide information about the vehicle 184). **(Lee, col. 14 lines 31-41)**

facilitating a transfer, via the vehicle system [184]**, of** audio broadcasts **to the entertainment system** [20] **(**All the formats and stations selected are transferred to the user's profile pages on the Internet gateway 30. The gateway 30 will next awaken the multimedia device 20 and then transfer the configuration data to the multimedia device's local database 198 and also download any new service applications to the device 20). (**Lee, col. 15 lines 2-7)**

However, Lee fails to teach **"***transfer, via the vehicle system [184], of a video game from a source that is remote from the authorized vehicle to the entertainment system*

In an analogous art directed toward a similar problem namely improving the results from *transfer a video game from a source that is remote from the authorized vehicle* to the entertainment system via the at least one vehicle system**;** Fig. 1A **of** Lavelle illustrates an entertainment unit [100] is installed in a vehicle, includes an external audio/video signal processor [124], a video game player [126] facilities for performing signal processing and/or signal conversion [127], a first wireless transmitter [128], and a second wireless transmitter [130] for **transfer a video game to the entertainment**

system via the at least one vehicle system (the external audio/video signal processor [124] receives signals as **a video game *from a source that is remote from the authorized vehicle*** *(i.e.* from an external **handheld video games** in the different entertainment unit which may be in another vehicle for reproduction of the signals output therefrom)(**Lavelle, ¶0035, ¶0042**). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify a media distribution system to deliver a media to a vehicle of Lee with a video game player in vehicle as taught by Lavelle to provide a multimedia entertainment unit for a vehicle which allows for a plurality of passengers to each watch and/or listen to a different media. (¶0003).

Neither Lee nor Lavelle teaches **step of verification the authorization information for delivering the selected media if it is successful and refraining from delivering the selected media if the verification is not successful.**

Novak; in the same field for providing conditional access to digital content; teaches **verification the authorization information for delivering the selected media if it is successful and refraining from delivering the selected media if the verification is not successful.** (The server system 1000 includes a request reception component 1004 that receives a request 409 from a user 402 (example: user in the automobile) to view specific digital content 404 (example: a pay-per-view program). The request reception component 1004 may extract identity credentials for the user 402 which are passed to a verification component 1006. The verification component 1006 may be coupled to a search component 1008. The search component 1008 searches a plurality of licenses 411 stored in a storage device, as described above. The storage device may

be local to the server system 1000 or may be accessed remotely via a network; if the license key 412 is already in use, the concurrent use determination component 1010 prevents a second license key 412 from being sent and may send a denied message 702 to the requesting device (example: automobile PC in the remote access device of user 402). If the concurrent use determination component 1010 and license determination component 1012 allow transmission of the license 411 and/or license key 412, a transmission component 1014 sends the license 411 and/or license key 412 to the user 402. As discussed earlier, the license key 412 permits a user's STB 102 to decrypt an access key 414 which, in turn, allows the STB 102 to decrypt the licensed digital content 404); **(see** Novak**, Fig. 10, ¶0137 to ¶0143).** It would have been obvious to a person of ordinary skill in the art at the time of the invention to include a method for delivering media to an authorized vehicle of Ellis with providing conditional access to digital content as taught by Novak; in order to provide conditional access to digital content that does not limit a user to watching purchased content on a single viewing device and associate a license to view the content with a particular user, and allows that user to convey at least a portion of his or her license to another user; that permits more sophisticated content licensing models than a onetime or unlimited-viewing model.

Regarding to claim 26: The method of claim 25; claim 26 merely repeats the same limitations of claim 2; claim 26 is anticipated by Lee, Lavelle and Novak. See claim 2 rejection.

Regarding to claim 27: The method of claim 25; Ellis also teaches “User interface 46 may be user input device, the user instructs control circuitry 42 to display a desired

television channel on display device 45 which may be a television, monitor, or other suitable display device displays the features of the program guide", **(see US'208, ¶0089)** meets the limitation of **wherein the selecting and identifying are performed via a user interface having at least one view comprising a graphical representation of media available for delivery to the at least one media peripheral**; **(see US'208, ¶0089).**

Regarding to claim 28: The method of claim 25; claim 28 merely repeats the same limitations of claim 12; claim 28 is anticipated by Lee, Lavelle and Novak. See claim 12 rejection.

Regarding to claims 29, 30: Lee, Lavelle and Novak teach all limitations of the method in claim 25 above; Lavelle also teaches **wherein the receiving and delivering are performed using a wireless communication link comprises an infrared and a radio frequency link.** (The capability of allowing the plurality of passengers to hear, for example, the different movies or a movie and a compact disk soundtrack at the same time, is achieved through the use of a wireless transmitter and wireless headphones. The wireless signals can be any type of wireless signal including, but not limited to, radio frequency and infrared signals.)(**See Lavelle, ¶0033 and ¶0034).**

Regarding to claim 52. The method of claim 25, claim 52 merely repeats the same limitations of claim 40, claim 52 is rejected on same ground as claim 40,

Regarding to claim 54. The method of claim 25, claim 54 merely repeats the same limitations of claim 42, claim 54 is rejected on same ground as claim 42,

Regarding to claim 55. The method of claim 25, claim 55 merely repeats the same limitations of claim 45, claim 55 is rejected on same ground as claim 45,

5. Claim **53** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Lee** et al., **Lavelle** et al. and **Novak**; in view of **Witkowski** et al. (US Pub. No. 2004/0203379 A1);

Regarding to claim 53. The method of claim 52, Lee also teaches **wherein the navigation system collects vehicle route (Lee, col. 12 lines 14-25), and uploads the vehicle route,** (**Lee, col. 12 lines 14-25 and col. 14 lines 31-41**)

Neither Lee, Lavelle nor Novak teaches **performance and engine maintenance information with respect to the authorized vehicle**

In an analogous art directed toward a similar problem namely improving the results from **performance and engine maintenance information with respect to the authorized vehicle,** Witkowski teaches a wireless communication for **"performance and engine maintenance information with respect to the authorized vehicle" (**Witkowski, **¶0052-¶0054)**. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the navigation system of Lee, Lavelle and Novak includes a wireless communication as taught by Witkowski to transmit the vehicle diagnostic information to a service station while other operations are being performed on a vehicle (e.g., oil change, etc.) reduce the amount of time necessary to diagnose problems with a vehicle and increase the efficiency of providing service for a vehicle. (Witkowski, **¶0013)**

(10) Response to Argument:

II. The Proposed Combination Of Lee And Lavelle Does Not Render Claims 1-7, 9-18, 20-24, 31-34, 36-40, 42-46, 48-51, 56-58, 60, And 61 Unpatentable

The Appellants first turn to the rejection of claims 1-7, 9-18, 20-24, 31-34, 36-40, 42-46, 48-51, 56-58, 60, and 61 as being unpatentable over **Lee** in view of **Lavelle**.

A. Independent Claims 1, 14, and 31

1. Set Top Box Circuitry Remote From A Vehicle:

The Appellant respectfully submits that Lee does not disclose a *set top box circuitry* Lee discloses a system that *"consists* of an Internet gateway network 30 that provides programming, information and Internet access to the multimedia device 20 is an "Internet gateway network", is *not set top box circuitry.* Instead, the "gateway 30 serves as an Internet Service Provider to vehicles 184 through various forms of wireless transmission 186." *See Lee* at column 11, lines 11-13. A gateway that serves as an ISP is by no means set top box circuitry. As the Applicants previously explained during prosecution, through evidentiary support, a television set-top box is different than, and includes functionality not found in, the internet gateway network of Lee. Indeed, the Microsoft Press Computer Dictionary, 3rd Edition, at page 431 (previously provided), indicates that a "set-top box" is a "device that converts a cable TV signal to an input signal to the TV set." *(Appeal Brief, pages 11-12*), Examiner respectfully disagrees.

Examiner relies on Lee teaches Internet gateway 30 comprises a **set top box circuitry.** The gateway 30 is not A Set-top box , however, the Gateway 30 has the same hardware structure as set-top box circuitry; includes CPU provides programming,

interfaces where the information and Internet access to the multimedia device 20 that is well-known in the art that video/audio stream may be transporting over Internet (VoIP) between Internet Gateway [30] to the multimedia device 20 as function of a **set top box.** Example: Fig. 3 of Lee illustrates Internet Gateway [30] (as the set top box circuitry) being remotely located from the authorized vehicle [184] through IP network as Firewall through IP [180]). (**Lee, col. 11 lines 1-45);** the gateway 30 exchanges media via using as Firewall through Internet (a communication Network) [208]) **(Lee, col. 11, lines 1-11).** Further, claim limitation does not related to a "set-top box" is a "device that converts a cable TV signal to an input signal to the TV set" as defined in Microsoft Press Computer Dictionary; however, "The set top box circuitry may be arranged to exchange media via a communication network"; defined in the current invention specification,, (pp.0015). Therefore, the definition of the Microsoft Press Computer Dictionary, 3ra Edition, at page 431 shows a specific function of Set-top box in CATV field is not evidence supporting the set-top box circuitry as claimed feature.

Therefore, according to simple substitution of one known element for another to obtain predictable results (KSR guideline (B)); Lee does describe, teach or suggest a "set top box circuitry" remote from a vehicle and a vehicle system network as defined in paragraph 0015 of invention specification.

2. Personal Channel Operative To Download A Video Game

Additionally, Appellant respectfully submits that "Neither Lee nor Lavelle, alone or in combination with one another, describes, teaches or suggests "***a first personal media channel*** *that facilitates a* ***user-defined transfer from the set top box circuitry via the***

at least one vehicle system, of a video game to one or both of the entertainment system and/or a handheld electronic game system." Because Lee only teaches Audio game, not video game as cited in claim and Lavelle does not describe, teach or suggest that video games are downloaded to the entertainment through an external source. *(Appeal Brief, pages 13-14*), Examiner respectfully disagrees.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Examiner relies on Fig. 2 of Lee depicts a multimedia device [20] includes the display screen 160 are connected to Gateway transceiver [130] where communicates with **Set-top box circuitry** [30]; ***transfer from the set top box circuitry*** requests for navigation data, advertisement responses, purchase requests, etc… **(Lee, col. 8, line 64-col. 9 line 5)**, in vehicle, user selects a preset button 166 can also be assigned to any personal information channel application (as ***a first personal media channel*** that facilitates ***a user defined***), this Preset button 166 on the display screen 160 that allow the user to select any one channel, group of channels or even channels from different categories.. (**Lee, col. 10, lines 16-36)** meets the limitation of *"a first personal media channel that*

facilitates a user-defined transfer from the set top box circuitry [which is remote from the vehicle], via the at least one vehicle system".

In combination with Lee, Lavelle discloses Fig. 1A illustrates an entertainment unit [100] (i.e. as the multimedia device [20] of Lee) is installed in a vehicle, includes a **video game player** [126]; an external audio/video signal processor [124], where receives signals may include **a video game** from an external devices include **handheld video games** in the different entertainment unit (as **external source**) which may be in another vehicle for reproduction of the signals output therefrom **(***i.e. as a video game*)(**Lavelle, ¶0035, ¶0042**) meets the limitation of **transfer a video game to one or both of the entertainment system and/or a handheld electronic game system via the at least one vehicle system.**

With respect to argue **"**Lavelle does not describe, teach or suggest that video games are downloaded to the entertainment through an external source".

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., video games are downloaded to the entertainment through an external source) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Therefore, Lavelle remedies Lee for teaching a video game instead of audio game in Lee; and combination describes, teaches or suggests transfer a video game to one or

both of the entertainment system and/or a handheld electronic game system via the at least one vehicle system.

B. Claims 11, 22, and 38

Appellant respectfully submits that the cited Lee and Lavelle references do not describe, teach, or suggest "wherein the at least one vehicle system comprises an interface to at least one media peripheral ... wherein the authorization information is supplied by the at least one media peripheral," as recited in claim 11. For the same reasons, Lee and Lavelle have not established a *prima facie* case of unpatentability with respect to claim 22, and 38. (Appeal Brief, page 15); Examiner respectfully disagrees.

In view of Lee, Examiner relies on Lavelle teaches "**wherein the at least one vehicle system** (i.e. input device [190] of the entertainment unit 100**) has an interface** (i.e. display device [112]) **to at least one media peripheral** (i.e. Video game [126] or TV display or wireless transmitter); (see (**Lavelle, Fig. 1A, ¶0032, ¶0035 and ¶0036);** Examiner relies on Lee also teaches “Using monitor LCD screen [160] (as **user interface)** of multimedia device [20] of Fig. 2, When user inside vehicle with wireless Internet connection 208 communicate with gateway network 30 as discussed above, where the user preferably logs into the Internet gateway network 30 or create the user profile databases 198; **(Lee; col. 14, lines 30-41)**; user would like to order or buy (press option BUY on display 160) the product from the advertisement, user will be determined his ordered is valid or invalid based on information in the user profile databases 198 which contain information about the user's system preferences, billing information and a purchasing interest profile or require user input credit card number if user does not

have his profile in the provider system (**the authorization information)** (**See Lee, Fig. 2, col. 11, lines 50-col. 12 line 6).** With above discussion, Lee teaches "wherein the at least one vehicle system comprises an interface to at least one media peripheral ... wherein the authorization information is supplied by the at least one media peripheral," as recited in claim 11

For the same above reasons, Lee and Lavelle have established a *prima facie* case of unpatentability with respect to claim 22, and 38

C. Independent claim 25:

Appellant respectfully submits that the combination of Lee and Lavelle does not describe, teach, or suggest "facilitating a transfer, via the vehicle system, of a video game from a source that is remote from the authorized vehicle to one or both of the entertainment system and/or a handheld electronic game system," as recited in claim 25. (Appeal Brief, page 16); Examiner respectfully disagrees.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). As above discussion, Lee teaches a multimedia device of vehicle [184] has access with Gateway [30] through wireless communication could used for download Internet content from Website.(see Lee, col. 14 lines 26-64).

Examiner relies on Fig. 1A of Lavelle illustrates an entertainment unit [100] is installed in a vehicle, includes an external audio/video signal processor [124], a video

game player [126] facilities for performing signal processing and/or signal conversion [127], a first wireless transmitter [128], and a second wireless transmitter [130] for **transferring a video game to**/from an external device includes **handheld video games** in the different entertainment unit which may be in another vehicle of Lee for reproduction of the signals output therefrom)(**Lavelle, ¶0035, ¶0042**). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify teaching of Lee includes an entertainment unit has full options as transferring a video game to/from an external device includes handheld video games in the different entertainment unit which may be in another vehicle as taught by Lavelle to allow user enjoy play video game with another player in Internet access.

D. Dependent claims 40, 46, and 58

Appellant respectfully submits that the combination of Lee and Lavelle does not describes, teaches, or suggests "wherein the at least one vehicle system comprises a navigation system, the at least one view comprising a second personal media channel that facilitates a user-defined navigation update to the navigation system," as recited in claim 40, For the same reasons, Lee and Lavelle have not established a *prima facie* case of unpatentability with respect to claim 46, and 58. (Appeal Brief, page 17); Examiner respectfully disagrees.

Examiner relies on Fig. 2 of Lee illustrates a multimedia device [20] **wherein the at least one vehicle system** in vehicle [184] **comprises a navigation system** [110] **(Lee, col. 8 lines 60-61), the at least one view** [160] **comprising a second personal media**

channel (i.e. as same as a first personal media channel above discussed in claim 1; see (**Lee, col. 10, lines 16-36) that facilitates a user-defined navigation update to the navigation system.** (**Lee, col. 12 lines 14-32); (**i.e. The gateway 30 also transmits other software applications to the vehicle 184 for use in the multimedia device 20. These applications are referred to as channels and comprise the personal information services of the system 10 (navigation, email, etc.) **(a user-defined navigation)** for creating **a second personal media channel** and these applications or channels can be downloaded to the vehicle 184 from a computer 204 at any time to instantly add to the features of the multimedia device 20 including **update to the navigation system).**

With respect to argue Lee does describe a user "manually requesting from the multimedia device 20 a recalibration of local audio stations" *(see id.* at column 15, lines 21-26), but this cited portion is precluded in the rejection of claim 40.

For the same above reasons, Lee and Lavelle have established a *prima facie* case of unpatentability with respect to claim 46, and 58

III. The Proposed Combination Of Lee, Lavelle, And Witkowski Does Not Render Claims 41, 47, And 59 Unpatentable

The Applicants respectfully submit that the Office Action fails to establish a prima facie case of unpatentability with respect to claims 41, 47, and 59 for at least the reasons set forth above with respect to claims 1, 14, and 31. (Appeal Brief, page 20); Examiner disagrees

For the same discussion above Part A; with respect to claims 1, 14, and 31; the Proposed Combination Of Lee, Lavelle, And Witkowski establish a prima facie case of unpatentability with respect to claims 41, 47, and 59.

IV. The Proposed Combination Of Lee, Lavelle, And Novak Does Not Render Claims 25-30, 52, 54, And 55 Unpatentable

The Applicants respectfully submit that the Office Action fails to establish a prima facie case of unpatentability with respect to claims 25-30, 52, 54, and 55 for at least the reasons set forth above with respect to claims 1, 14, and 31. (Appeal Brief, page 20); Examiner disagrees

For the same discussion above Part A; with respect to claims 1, 14, and 31; the Proposed Combination of **Lee, Lavelle, And Novak** establish a prima facie case of unpatentability with respect to claims 25-30, 54, and 55.

Additionally, the Applicants respectfully submit that the Office Action fails to establish a prima facie case of unpatentability with respect to claim 52 for at least the reasons set forth above with respect to claims 40, 46, and 58. (Appeal Brief, page 20);

For the same discussion above Part D; with respect to claims 40, 46, and 58; the Proposed Combination of **Lee, Lavelle, And Novak** establish a prima facie case of unpatentability with respect to claim 52.

V. The Proposed Combination Of Lee, Lavelle, Novak, And Witkowski Does Not Render Claim 53 Unpatentable:

The Applicants respectfully submit that the Office Action fails to establish a prima facie case of unpatentability with respect to claim 53 for at least the reasons set forth above with respect to claim 25. (Appeal Brief, page 21);

For the same discussion above Part C; with respect to claim 25; the Proposed Combination of **Lee, Lavelle, Novak, And Witkowski** establish a prima facie case of unpatentability with respect to claim 53.

The Examiner's Answer has addressed Appellant's arguments for patent ability. Any further arguments regarding other elements or limitation not specifically argued that the appellant could have made are not being addressed for consideration by the panel. Should the panel find that the examiner's position/arguments or any aspect of the rejection is not sufficiently clear or a particular issue needs further explanation, it is respectfully requested that the case be remanded to the examiner for further explanation prior to the rendering of a decision.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/A. L./

Examiner, Art Unit 2427

Conferees:

/Scott Beliveau/

Supervisory Patent Examiner, Art Unit 2427

/Jason P Salce/

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